

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MUHAMMAD GREEN,

ORDER

Plaintiff,

05-CV-3425 (NGG) (RML)

-against-

DALE ARTUS,

Defendant.

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GARAUFIS, District Judge.

On June 23, 2006, Magistrate Judge Robert M. Levy issued a Report and Recommendation (“R&R”) recommending that the petitioner’s application for a writ of habeas corpus under 28 U.S.C. § 2254 be denied. No objections to the R&R have been timely filed. This court has reviewed the R&R and is satisfied that there is no clear error on the face of the record. For the reasons set forth in the R&R, the petition is DISMISSED. As Green has not made a substantial showing of the denial of a constitutional right, a certificate of appealability shall not issue. See 28 U.S.C. § 2253(c)(2); Lucidore v. N.Y.S. Div. of Parole, 209 F.3d 107, 111-13 (2d Cir. 2000). Pursuant to 28 U.S.C. § 1915(a)(3), the court also certifies that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444 (1962). The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: July __, 2006
Brooklyn, N.Y.

/s/ Nicholas G. Garaufis

Nicholas G. Garaufis
United States District Judge